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SUBJECT: FEBRUARY HUMAN RIGHTS UPDATE

REF: A. BOGOTA 313
[1](#)B. BOGOTA 400
[1](#)C. BOGOTA 488

SUMMARY

[1](#)1. (U) The Foundation for the Freedom of the Press (FLIP) reported that for the first time in 23 years, no Colombian journalists were killed for their work in 2008. The FARC and the ELN mounted indiscriminate attacks against security forces resulting in civilian deaths. Two former AUC members participating in the Justice and Peace Law are the primary suspects in 22 murders in Barrancabermeja this year. An appeals court ordered the reopening of the December 1998 Santo Domingo bombing case, while the Prosecutor General's Office (Fiscalia) opened an investigation into the then commanding general of the 17th Brigade for the 2005 massacre in San Jose de Apartado. Union members who testified before the U.S. Congress on labor-related issues on February 12 received threats. The National Labor School reports that of the 49 unionists murdered in 2008, 32 belonged to public sector unions including 18 teachers. End Summary

NO JOURNALISTS KILLED IN 2008

[1](#)2. (U) The Foundation for the Freedom of the Press (FLIP) announced that for the first time in 23 years, no Colombian journalist was killed for their work in 2008. Still, the FLIP study noted that 72 journalists reported receiving threats in 2008. According to FLIP, in the last 30 years more than 130 Colombian journalists have been killed for their work.

FARC FREE HOSTAGES, POSSIBLY SEEKING GOODWILL...
YET LAUNCH ATTACKS AGAINST INDIGENOUS

[1](#)3. (U) On February 1, the same day it released four hostages (REF A), the FARC detonated a car bomb in front of the regional police intelligence headquarters in Cali. One civilian and the terrorist who drove the car were killed; 240 homes and 338 stores were damaged. Approximately a week later, the FARC massacred at least 8 members of the Awa indigenous group (REF C).

¶4. (U) In an ambush in Covencion (Norte de Santander) on February 12, the ELN's "Compania Francisco" killed three police and three civilians. The ELN murdered a married couple to serve as bait, and, from the cover of high ground, attacked police first responders and civilians on the scene. Seventeen additional people were wounded.

EX-PARAS BEHIND BARS...

AND BEHIND 22 ASSASSINATIONS THIS YEAR?

¶5. (U) Two former AUC members participating in the Justice and Peace Law (JPL) process, Mario Jaimes (El Panadero) and Rodrigo Perez Alzate (Julian Bolivar), are the primary suspects behind 22 murders in Barrancabermeja this year. Some human rights groups have requested that they be expelled from the JPL process and be judged in regular courts. In voluntary confessions last year, Jaimes admitted ordering the Barrancabermeja massacre of May 1998, in which seven people were killed and an additional 25 were forcibly disappeared. Only a judge can order the removal of a participant from the Justice and Peace Law process.

COLOMBIAN SECURITY FORCES:

ACTIONS PAST AND PRESENT INVESTIGATED

¶6. (U) The Superior Tribunal of Bogota overturned a lower court conviction of three Air Force personnel for involuntary manslaughter, reopening the investigation into the bombing of the hamlet of Santo Domingo (Arauca) in December 1998. Seventeen civilians died, and another 21 were injured in the attack. The Superior Tribunal said the three Air Force members -- Cesar Romero Pradilla, Johan Jimenez Valencia, and Hector Hernandez Acosta -- knew the destructive radius of the cluster bomb, were aware of the hamlet's location, and therefore knew the possible effects their actions might have on civilians. The Tribunal said the pilots' actions violated International Humanitarian Law prohibiting the use of bombs in populated areas, even if enemy fighters are present. We suspended assistance to the Air Force unit in January, 2003, reinstating aid in September, 2007 after the lower court ruling.

¶7. (U) Based on testimony from soldiers arrested last month for the February 21, 2005 massacre of eight members of the San Jose de Apartado Peace Community (REF B), the Fiscalía opened an investigation into retired army general Hector Fandino, who commanded the troops at the time of the massacre. Fandino publicly said he is ready to cooperate with the justice system and has nothing to hide.

¶8. (U) On February 12, the High Judicial Council (Consejo Superior de Judicatura) denied retired General Alfonso Plaza Vega's plea to be tried in a military court for his alleged role in the forced disappearance of eleven people during the recapture of the Judicial Palace on November 7, 1985. The then Colonel commanded the operation that retook the Palace from the terrorist group M-19.

¶9. (U) A Colombian court ordered the police of Saravena (Arauca) to publicly apologize and pay reparations to the family of Wilson Duarte Ramon, who was tortured and killed by the police on March 26 and 27, 2002. The unit must also implement and publicly post a human rights protection strategy.

UNION LEADERS RECEIVING THREATS

¶10. (SBU) After their February 12 testimony to the U.S. Congress, Jose Luciano Sanin, Director of the National Union School (ENS), and Yessika Hoyos, whose union leader father was murdered in 2001, were publicly accused by President Uribe of spreading political hatred and lying. In a February

24 meeting, Sanin and Hoyos told us they received increased threats following Uribe's comments. Sanin said his office receives protection from the GOC, but noted that he and Hoyos do not receive personal protection. He later told us his son was recently held up at gunpoint, but the criminals demanded only his phone. Sanin's romantic partner and the author of a Colombian Commission of Jurists (CCJ) report on union killings, also received a threatening fax with her address, phone number, and other personal details. Sanin believes his personal circle is being targeted. We will provide more reporting on Sanin's situation septel.

LABOR MURDERS NOT ALWAYS LINKED TO UNION ACTIVITY

¶11. (SBU) The ENS reported that 49 union members were killed in 2008. Of these, 32 belonged to public sector unions including 18 teachers. ENS routinely asserts that the majority of labor murders are tied to labor disputes, but none of the 32 public sector workers were actively involved in labor talks at the time of their murders. Still, two were murdered while were conducting activities that could be been considered labor related. Carlos Burbano helped organize the March 6, 2008 march for the victims of all forms of terrorism, and disappeared on March 9 from San Vicente Del Caguan (Caqueta). His body was recovered in a dump with his face disfigured with acid. William Rubio Ortiz was murdered in a drive-by shooting on December 12; his union had recently accused the local government official -- who managed the regional environmental entity he worked for -- of corruption and of ties to paramilitaries.

LABOR MURDERS RESOLVED

¶12. (U) The Fiscalia condemned former paramilitary member Daniel Toloza Contreras, alias "Cura," to 8.5 years of prison for the assassination of labor leader Pablo Antonio Padilla on February 23, 2001 in San Alberto (Cesar). Sanin noted that paramilitary leaders participating in the peace process have confessed to ordering the murders of 84 union leaders to date, but complained that the have provided few details. Sanin asserted that that in many cases employers were also involved in the murders, but that the paramilitaries continue to protect them.

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